

ARTICLE VI Subdivision

16-6-10. Types of Subdivisions.

The division of land into two or more separate parcels, lots, sites, tracts or interests, including any parcel of land which is to be used for condominiums or any other multiple-dwelling units with separately conveyed interests, is a subdivision and is regulated by the provisions of this Chapter. The subdivision of land is a significant step in the process of urban development. The arrangement of land parcels for residential, commercial, industrial, recreational, utility and other public purposes will determine to a large degree the qualities of health, safety, convenience, environment and general welfare of the City. The following are types of subdivisions in the City.

- (1) Major subdivisions are subdivisions that result in the creation of more than five (5) parcels, lots, units, sites, tracts or interests out of the property as it existed prior to any subdivision.
- (2) The division of lots or parcels of previously subdivided land or amended plats that involve more than ten (10) lots are resubdivisions. Resubdivisions are reviewed as major subdivisions.
- (3) The division of previously unsubdivided land into five (5) or fewer separate parcels, lots, units, sites, tracts or interests is a minor subdivision. Additionally, public and private utility mains must be available and in place to serve each proposed lot such that only a service line connection for each lot to a main is necessary.
- (4) Subdivision actions that affect no more than ten (10) lots within a subdivision and do not create additional lots or interests in property and that result in a material change in the boundaries of a subdivision by way of adding or deleting land or lots to the subdivision, reconfiguration, division or aggregation of existing platted lots or correction of technical errors on subdivision plats are amended plats.
- (5) The division of a single lot on which an existing duplex dwelling is located, or is to be constructed, into two (2) separate lots is a duplex conversion subdivision.

16-6-20. Major Subdivision.

A major subdivision is subject to the major impact review process established in Article III of this Chapter unless the subject property has an approved overall development plan, in which case conceptual plan is waived.

16-6-30. Minor Subdivision.

A minor subdivision is generally subject to the limited impact review process established in Article III of this Chapter.

16-6-40. Resubdivisions.

Resubdivisions are reviewed in the same manner as a major subdivision with the same purposes. To the extent that submittal information, otherwise required in Section 16-6-110, was submitted as part of the original subdivision proposal and is adequate by current standards, the applicant for approval of a

resubdivision does not need to submit the information again and may reference such submittal information in the resubdivision application. The Community Development Director will determine the technical adequacy of previously submitted information.

16-6-50. Amended Plats.

(a) Amended plats do not create additional lots or interests in property but are subdivision actions that result in a material change in the boundaries of a subdivision by way of adding or deleting land or lots to the subdivision, or the reconfiguration, division or aggregation of existing platted lots. Amended plats are also used to correct errors on a subdivision plat. The amended plat process is limited to applications that affect no more than ten (10) lots within a subdivision. Amendments affecting more than ten (10) lots or amendments within a subdivision with an expired subdivision improvements agreement or which affect existing subdivision improvements agreements shall be considered re-subdivisions. Amended plats shall be generally subject to administrative review and approval according to the procedure established at Article III of this Chapter. Amended plat review ensures the technical accuracy of the amended plat and to maintain the record of associated real estate activities.

(b) Amended plat approval shall be granted provided:

- (1) The lot line adjustment does not result in the creation of additional lots.
- (2) The lot line adjustment does not result in the creation of lots that do not comply with zoning requirements.
- (3) The lot line adjustment does not result in the creation of a lot or lots that cannot be built upon under City requirements.
- (4) The requirements of utility companies serving the property have been satisfied, and easements are appropriately maintained or granted in the deed(s) effecting the adjustment or dissolution.
- (5) The lot line dissolution does not change the location of any remaining lot lines in the subdivision

16-6-60. Duplex conversion subdivision.

A duplex conversion subdivision is generally subject to the administrative review process established in Article III of this Chapter. The subdivision of a single lot on which an existing duplex dwelling is located or is to be constructed, into two (2) separate lots will be approved if all of the following conditions have been met:

- (1) Common wall. The duplex is to be divided along a code-compliant fire-resistant common wall into two (2) separate single-family dwelling units on separate lots.
- (2) Separate utilities. Utilities are available and each of the dwelling units is served by its own separate utility service lines and meters, inclusive of water, sewer, electricity and natural gas.
- (3) Maintenance agreement. A common wall maintenance agreement shall be established and recorded to run with the land comprising the proposed duplex lots.

(4) Zone district compliance. Except for the original primary structure comprising the dwelling units and any common and/or side-by-side or connected garages or driveways, all new structures, or the expansion of any existing structures on the two (2) new duplex lots shall be subject to the setback requirements for the underlying zone district in which the lots are located.

(5) Lot size. Each separate lot created shall meet the minimum lot size (square feet) for the underlying zone district in which the lots are located. The proposed duplex lots shall be the same size, or approximately the same.

16-6-70. Lot line adjustments.

The adjustment of a lot line between two (2) contiguous lots that is necessary to correct a survey or engineering error in a recorded plat, to allow a boundary change between adjacent lots or parcels to relieve hardship or practical necessity or to allow a transfer of land from a larger conforming lot to a smaller nonconforming lot so as to make both lots conforming is generally subject to administrative review and approval according to the procedure established at Article III of this Chapter. The lot lines between contiguous lots which are under separate or single ownership may be adjusted if the following conditions are met:

(1) The owners of affected properties whose lot lines are being adjusted shall provide written consent to the application.

(2) The adjustment shall not create the opportunity to further subdivide either lot to create a new lot for resale or development.

(3) All resulting lots shall meet the standards of this Chapter. If any of the lots or structures thereon are nonconforming prior to the adjustment, no adjustment shall be allowed that increases the net nonconformity of the lots or structures.

16-6-80. Insubstantial change to recorded plat.

An insubstantial change shall be limited to changes to address engineering or technical constraints discovered during development which could not be anticipated during the original approval process, or any other change to a plat which has no material effect on the character of the approved plat, the representations made by the applicant or the conditions of approval. Street locations and street rights-of-way shall not be changed. A change to a plat which is not insubstantial, including any resubdivision of a lot other than a boundary line adjustment, shall be considered an amendment and shall follow the review procedures applicable to minor subdivisions. Applications for an insubstantial change to a recorded plat are generally subject to administrative review and approval according to the procedure established at Article III of this Chapter. An insubstantial change to a recorded plat will be approved if following approval of the insubstantial change, the recorded plat shall continue to conform to all applicable standards of this Chapter.

16-6-90. Elimination of lot lines.

The elimination of lot lines to merge not more than two (2) conforming lots, or two (2) or more nonconforming lots, to create no more than two (2) conforming lots within the applicable zone district shall be generally subject to administrative review and approval according to the procedure established at Article III of this Chapter. A lot line elimination meeting the requirements established herein shall be approved if the following conditions are met:

(1) Public and private utilities must be present and available to serve the newly created conforming lots. Utilities (whether public or private) to existing structures that, with the elimination of lot lines, will cross a newly created conforming lot shall be provided an easement where the existing utilities are located or shall be relocated into an easement.

(2) The lots to be consolidated shall be under single ownership.

16-6-100. Condominiums.

(a) In addition to the subdivision submittal requirements described in Section 16-6-110, an application for a condominium plat approval shall contain the following information:

(1) Required parking spaces and joint trash collection areas;

(2) Floor plans, elevations, and site plan as required to show separate ownership of all separate units, common elements, and limited common elements labeled as such;

(3) Number, type, and floor area of units, common elements and limited elements, delineated in square feet and fractions thereof; proposed use for each unit; land area; floor area ratio; and

(4) Statement of the total number of units shown on the proposed plat;

(5) Documentation showing compliance with the standards and terms of the Colorado Common Interest Ownership Act, C.R.S. § 38-33.3-201, *et seq.*, as may be amended.

(b) For condominium projects requiring limited impact or major impact review (see standards for multi-family projects), the applicant shall submit detailed engineering plans and specifications for all improvements, whether private or public.

(c) After buildings have been constructed and final "as-built" surveys have been completed, the applicant shall submit an amended condominium plat showing graphically and dimensionally the subdivision of buildings into volumetric spaces and the relationship of these spaces with the boundaries of the site and other appurtenances on the site. These condominium plats shall comply with the requirements of C.R.S. §38-33.3-209, as may be amended, and may be approved by the Administrator. No individual condominium unit shall be sold into separate ownership until and unless a condominium plat has been approved by the City based upon an "as-built" survey of the unit boundaries and such plat has been recorded in the real estate records of Chaffee County. A plat note on the Final Subdivision Plat for each condominium development shall be included to this effect.

16-6-110. Subdivision plat requirements.

(a) Application Contents. An application for a subdivision plat approval shall contain the following information:

(1) Subdivision Plat. A subdivision plat shall be drawn which reflects the layout of the lots, blocks and structures in the proposed subdivision. The preferred scale of the plat is one

(1) inch equals one hundred (100) feet; the minimum allowable scale is one (1) inch equals two hundred (200) feet. Sheet size shall be twenty-four (24) inches by thirty-six (36) inches. If it is necessary to draw the plat on more than one (1) sheet, a sheet index shall be placed on the first sheet. The subdivision plat shall contain the following:

- (i) Name of subdivision.
- (ii) Legal description.
- (iii) Names and addresses of the owner, subdivider, land planner and land surveyor registered in the State.
- (iv) Scale of the plat.
- (v) North arrow.
- (vi) Date the plat was prepared.
- (vii) Boundary lines and dimensions. The boundary lines of the proposed subdivision (shown as a heavy solid line), the proposed zoning boundary lines, approximate dimensions of all lots, blocks and all land intended to be held in common for use by all property owners in the proposed subdivision.
- (viii) Contours. Existing and proposed topographic contours, with intervals of five (5) feet or less, referring to U.S.G.S. datum.
- (ix) Improvements and easements. The location and dimensions of all existing and proposed streets, alleys, easements, ditches and utilities within or adjacent to the proposed subdivision.

(2) Vicinity Map. A vicinity map shall be submitted, if the application has not been reviewed at the conceptual plan review phase, along with the plat. The vicinity map shall show the location of the proposed subdivision, all adjacent lands owned or under option by the applicant, commonly known landmarks and federal, state and local streets with names, and the zone districts in which the proposed subdivision and adjacent properties are located.

(3) Boundary Survey. An accurate and complete boundary survey and survey of interior street lines shall be made of the land to be subdivided. Every lot shall close mathematically within one-hundredth (.01) of a foot. Field measurements shall be accurate within a limit of one (1) foot to ten thousand (10,000) feet. The boundary of the subdivision shall be clearly indicated on the final plat. All lines shown on the plat which do not constitute a part of the subdivision shall be dashed. Any area enclosed by the subdivision, but not a part thereof, shall be labeled "NOT A PART OF THIS SUBDIVISION." Adjacent subdivisions shall be identified by official names.

(4) Survey Data. The final subdivision plat shall show all survey, mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearings or angles, continued with distances and deflection angles for all circular corners. The location and description of all section corners and permanent survey monuments in or near the tract, to at least one (1) of which the subdivision shall be referenced.

(5) Land to be Dedicated. All lots, blocks and parcels offered for dedication shall be particularly delineated and designated with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels offered for dedication, other than for streets and easements, shall be designated by letter or number, which shall be explained on the plat.

(6) Linear, Angular and Curve Data. Sufficient linear, angular and curve data shall be shown to readily determine the bearing and length of the boundary lines of every block, lot and parcel which is part thereof. All lots and, wherever practicable, blocks in their entirety, shall be shown on one (1) sheet. Ditto marks shall not be used for lot dimensions. All lots and blocks shall be numbered systematically. Building setback lines shall be shown by long thin dash lines. The use of the lots and the zoning shall be designated on the plat.

(7) Streets. The plat shall show the right-of-way lines and names of each street and the width of any portion being dedicated, and the widths of any existing dedications. The widths, locations and names of adjacent streets and other public properties within fifty (50) feet of the subdivision shall be shown. If any street in the subdivision is a continuation or approximately a continuation of an existing street, the conformity or the amount of nonconformity of such street to such existing streets shall be accurately shown. Whenever the centerline of a street has been established or recorded, the data shall be shown on the final plat.

(8) Easements. The sidelines of all easements, including easements for utilities, ditches and drainage, shall be shown by fine dashed lines. If any easement already of record cannot be definitely located, a statement of the existence, the nature thereof and its recorded reference shall appear on the title sheet. Distances and bearings on the sidelines of lots which are cut by easement shall be designated, or so shown, that the plat will clearly indicate the actual length of the lot lines. The widths of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified. If an easement is being dedicated by the plat, it shall be set out in the owner's certificate of dedication and dedicated to the City. If an easement shown on the plat is already of record, its recorded reference shall be given.

(9) Certificates. The following certificates, as appropriate, are required to appear on the final subdivision plat.

(1) Certificate of Dedication and Ownership.

Know all men by these presents, that the undersigned, being all of the Owner(s), Mortgagee(s) and Lien Holder(s) of certain land in the City of Salida, Chaffee County, Colorado, described as follows:

Beginning _____, containing _____ acres, more or less, _____ have by these presents laid out, platted and subdivided the same into lots, blocks or tracts, as shown on this plat, under the name and style of _____, and do hereby dedicate to the City of Salida as public roads, the streets and roads as shown on said plat, these being _____. The undersigned hereby further dedicate to the public all utility easements on the property as described and as shown hereon. The undersigned hereby further dedicate to the public utilities the right to install, maintain and operate mains, transmission lines, service lines and appurtenances to provide such utility services within this subdivision or property contiguous thereto, under, along and across public roads as shown on this plat and also under, along and across utility easements as shown hereon.

The lands comprising this subdivision are subject to certain covenants which are recorded in Book _____ at Page ___ of the records of Chaffee County, Colorado.

Executed this ___ day of _____, 20__.

Owner(s): Mortgagee(s)/Lienholder(s):

County of Chaffee)

) ss.

State of Colorado)

The foregoing dedication was acknowledged before me this ___ day of _____ 20__, by _____ . Witness my hand and seal.

My commission expires _____.

Notary Public

(2) Certificate of Street and Utility Maintenance.

Public notice is hereby given that neither the dedicated public roads nor the public utilities shown on this plat will be maintained by the City of Salida until and unless the subdivider constructs the streets, roads and utilities in accordance with the subdivision agreement, if any, and the subdivision regulations in effect at the date of the recording of this plat, and approval of the City has been issued to that effect. When the City approves a street or utility for maintenance, the street or utility shall become public in all senses of the word and the subdivider has no further obligations in regards to that particular street or utility.

(3) Surveyor's Certificate.

I, _____, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my supervision, the monuments shown thereon actually exist and this plat accurately represents said survey.

Registered Land Surveyor

(4) Title Certificate.

I, _____, an (attorney at law duly licensed to practice before the Courts of Record or a licensed title insurance agent representing _____) in the State of Colorado, certify that I have examined title to the property described herein and that in my opinion title to the above described real property is held by _____.

Signed this ___ day of _____, 20__.

Attorney at Law

(5) City Administrator Approval

This plat is approved by the Salida City Administrator this ___ day of 20__.

City Administrator

(6) Planning Commission Approval.

This plat is approved by the City of Salida Planning Commission this ___ day of _____, 20__.

Chairman

(7) City Council Approval.

This plat is approved for filing and the City hereby accepts the dedication of the streets and roads shown hereon subject to the provisions in "Street Maintenance" set forth above, and further accepts the dedication of the easements shown hereon.

Signed this _____ day of _____, 20__.

City of Salida

By: _____

Mayor

(8) Recorder's Certificate.

This plat was filed for record in the office of the County Clerk and Recorder of Chaffee County at _____ m. on the _____ day of _____, 20__, Reception No. _____.

County Clerk and Recorder

By: _____

Deputy

16-6-120. Subdivision review standards.

In order to achieve the intent and purpose of this Chapter, the proposed subdivision shall comply with the following standards:

(1) Comprehensive Plan. The proposed subdivision shall carry out the purpose and spirit of the Comprehensive Plan and conform with all of the Plan's applicable objectives, guiding principles and recommended actions. It shall be designed to be compatible with surrounding land uses and to protect neighbors from undesirable noise, glare and shadows, and shall not cause adverse effects on their privacy, solar access and views.

(2) Zone District Standards. The proposed subdivision shall comply with the use and dimensional standards of the underlying zone district and shall provide off-street parking as required for the uses.

(3) Improvements. The proposed subdivision shall be provided with improvements which comply with Article VII and landscaping which complies with Section 16-8-90 of this Chapter.

(i) Streets. Existing and proposed streets shall be suitable and adequate to carry anticipated traffic within and in the vicinity of the proposed subdivision.

(ii) Utilities. Existing and proposed utility services shall be suitable and adequate to meet the needs of the proposed subdivision.

(iii) Phases. If the subdivision is to be developed in phases, each phase shall contain the required parking spaces, landscape areas, utilities and streets that are necessary for creating and sustaining a stable environment.

(4) Natural Features. The layout of lots and blocks shall provide desirable settings for structures by making use of natural contours and maintaining existing views, affording privacy for residents and protecting them from adverse noise and vehicular traffic. The system of roadways and the lot layout shall be designed to take advantage of visual qualities of the area. Natural features and native vegetation shall be preserved whenever possible. Tree masses and individual trees of six-inch caliper or greater shall be preserved.

(5) Floodplains. Tracts of land or portions thereof lying within the one-hundred-year floodplain may only be subdivided for open space until the subdivider has shown that compliance with the requirements of the City's floodplain regulations can be met.

(6) Noise Reduction. Where a subdivision borders on or contains a highway right-of-way, the City shall require adequate provisions for reduction of noise. A parallel street, landscaping, screening, easement, greater lot depth, increased rear yard setbacks and fencing are potentially appropriate solutions, among others.

(7) Future Streets. When a tract is subdivided into lots or parcels which are intended for future resubdivision, such lots or parcels shall be arranged so as to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easements and connectors for such resubdivision.

(8) Parks, Trails and Open Space. Each subdivision, minor or major, or condominium project with five (5) units or more, shall dedicate and develop land or pay a fee-in-lieu for the purpose of providing active parks, open space, passive recreation facilities and/or recreation trails or other public purposes as determined by the City for the benefit of those who occupy the property and be made accessible to the public. The intent of this regulation is to ensure that a comprehensive, integrated network of parks, trails and open spaces is developed and preserved as the community grows.

(i) Dedication requirement. Land for parks, trails and open space shall be dedicated in the ratio of two-hundredths (0.02) acre per residential unit of the proposed subdivision. When a development plan has not been determined for the property, the number of units shall be assumed as the maximum density permitted on the site. When a mix of residential and nonresidential uses is proposed on the site, the dedication shall still be provided for the residential units. All areas dedicated for parks, trails and open space must be shown on the plat. All dedications of land as required under this Section shall be dedicated in fee simple to the City as a condition of approval unless the City determines that the specific situation warrants consideration of an easement or designation rather than dedication.

(ii) Fee-in-lieu. For those subdivisions where the dedication of land for parks, trails or open space is not practicable, such as developments involving inappropriate location, impractical geography, small land area or few lots, in its discretion, the City may require a cash fee in lieu of dedication based upon Salida land values. When possible, the requirement for cash in lieu of dedication shall be noted as a plat note on the final plat of the subdivision. Moneys collected in lieu of dedication of land for parks, trails or open space shall be collected at the time of approval of the final plat and placed into a City park development fund to be earmarked for future acquisition or improvement of parks, trails or open space. In extraordinary circumstances, the City Council may authorize the deferral of the payment of cash in lieu of dedication as required by this Section. In such event, the owner of the property shall agree with the City, in such form as shall be acceptable to the City Council, to pay such sums at the time of issuance of any building permit upon the property. Notice shall be given of such deferred payment by the recording of a first mortgage or other security instrument with the County Clerk and Recorder. In no event, however, shall the deferral of any dedication fee required by this Section extend for a period of greater than five (5) years from the date it would otherwise be payable. The developer shall agree to pay the higher of the dedication fee calculated in accordance with this Section at the time originally owed or at the time actually paid.

(iii) Residential subdivisions or the residential portion of mixed use subdivisions. For the square footage of required land not provided on the site the value of the fee shall be based

upon the most recent available formula used by the Chaffee County Assessor's office for valuing vacant land in Salida subdivisions. The amount of such fees and charges shall be established by resolution of the City Council, as maybe amended from time to time, and available for review by the public at City Hall during normal business hours.

(iv) Condominiums. For condominium projects with five (5) or more residential units developed after the effective date of the ordinance codified herein, which have not already provided open space through an approved subdivision, a fee established by resolution of the City Council shall be paid for each residential unit, as maybe amended from time to time, and available for review by the public at City Hall during normal business hours.

(v) Extraordinary contributions. If the Planning Commission finds that the land proposed for dedication is an extraordinary contribution that meets a unique or highly desired purpose of the community, the Planning Commission may recommend a reduction of the overall dedication requirement as appropriate. Examples of extraordinary contributions may include public access to a waterway or important trail connections.

(vi) Dedication at alternate site. In lieu of dedicating land within the subdivision, the applicant may dedicate an alternate parcel of land to the City, consisting of the same number of acres in another area, if the City determines it is capable of use for recreational purposes and will serve the proposed development.

(vii) When a land dedication, designation or easement is accepted by the City, the City Council shall have full discretion to require the applicant or assigns to provide construction and/or maintenance of the park, trail or open space. Land for public use must be suitable for the type of development and/or use for which it is intended. Excessively steep land, land for utility easements or other types of unsuitable land may not be accepted as determined by the Planning Commission. Lands including floodplains, waterways and wetlands may be accepted. Drainage areas that also meet the purposes of this provision may be accepted.

(viii) Whenever a subdivision includes land or areas identified in the Parks, Trails, Recreation and Open Space Plan, Comprehensive Plan or any other adopted community plan for the installation of or connection to any part of a park, trail or open space, such land or areas shall be dedicated to the City and such dedication shall be credited against any required land dedication.

(ix) Lands for parks, trails or open space will not be counted towards the landscape area required for each lot in the subdivision.

(9) Common Recreation Facilities. Where a development is proposed to contain common recreation facilities, such facilities shall be located within the development so as to be easily accessible to the residents and to least interfere with neighboring developments.

(10) Lots and Blocks.

(i) Pattern. The size, shape and orientation of lots shall be appropriate to the design and location of the proposed subdivision and to the type of development contemplated. Where appropriate, lots shall be laid out to respect the existing City pattern. Blocks generally shall not be less than three hundred (300) feet nor more than one thousand two hundred (1,200) feet in length.

(ii) Frontage. Residential lots should front only on local streets; however, when necessary, lots designated to face a collector street shall provide adequate means for automobile

turnaround within the lot and should provide consolidated access points to the maximum extent feasible.

(iii) Right angles. Side lot lines shall be approximately at right angles or radial to street lines.

(iv) Double frontage lots. Double frontage lots are prohibited, except where they are necessary to provide for the separation of residential development from collector or arterial streets or to overcome specific limitations of topography or orientation. A planting and screening easement of at least ten (10) feet shall be provided along the portion of the lot which abuts such a collector or arterial street. There shall be no right of access across a planting and screening easement. The screening easement shall be maintained by the property owner.

(v) "T" intersections. The building area of lots shall not face directly into the oncoming traffic of an intersecting street of a "T" intersection.

(vi) Solar energy. For purposes of protecting and enhancing the potential for utilizing solar energy in the proposed subdivision, detached single-family lots are encouraged to be laid out in such a manner that the houses will be oriented so that their long axis will run east/west and so that the houses will not block the solar access of adjacent houses.

(11) Architecture. The following architectural standard is intended to prevent monotonous streetscapes and offer consumers a wider choice of housing styles. To avoid uniformity and lack of variety in design among housing units within the subdivision, no residential facade elevation shall be repeated more than once every five (5) lots on the same side of the street (e.g., the first and fifth lots in a row may contain the same façade elevation, but the second, third, and fourth lots must contain some different facade elevations). No residential elevation shall be repeated directly across the street from the same facade elevation. Mirror images of the same residential facade shall not count as two (2) distinctly different facades. In unusual circumstances, the Planning Commission may grant a petition seeking waiver of this requirement. Such an exception may be granted if the petitioner demonstrates that the proposed plan uses repetition for an architectural purpose, such as allusion to historical repetition that would not create a monotonous streetscape of the type this standard seeks to prevent.

(12) Codes. The subdivision shall comply with all applicable City building, fire and safety codes for the proposed development.

16-6-130. Vacation of recorded plat, right-of-way or easement.

An applicant requesting to vacate a recorded subdivision plat, public right-of-way or dedicated easement shall same process by which it was originally approved.

(1) Evaluation standards. The following items shall be considered in evaluating the vacation of a recorded plat, right-of-way or easement outlined below:

(i) Access to public road. No roadway shall be vacated so as to leave any adjoining land without a means of access to another public road.

(ii) Easements. In granting a vacation, the City may reserve easements for the installation or maintenance of utilities, ditches and similar improvements.

(iii) Comprehensive Plan. A subdivision plat, public right-of-way or dedicated easement may be vacated if the vacation would be consistent with or implements the applicable intent statements, specific directions and recommended actions of the Comprehensive Plan.

(iv) Transfers or sales of lots. A subdivision plat may be vacated if none of its lots have been sold or transferred; or, if there have been sales or transfers, no development on any lots in the subdivision and all of the owners agree to the vacation of the plat.

(2) Quit Claim Deed. Whenever the City approves an application vacating a public right-of-way, the City shall provide abutting landowners with a quitclaim deed for the vacated lands. Each abutting landowner shall be deeded that portion of the vacated right-of-way to which the owner's land is nearest in proximity.

16-6-140. Fair Contributions for Public School Sites.

(a) General. Growth in residential land development and the construction of new residential dwellings in the City and Chaffee County necessitates the acquisition of additional public school capital facilities to accommodate increases in student population. Requiring land dedication or conveyance for public school capital facilities or payments in lieu of such dedication or conveyance ("Fair Contribution for Public School Sites") is intended to provide a portion of the resources to meet such demand.

(b) Referral. All residential subdivision applications and planned developments creating residential dwelling units shall be referred to the Salida School District R-32-J for review and comment concerning impact of the development on the School District and the adequacy of public school sites and facilities. If a nonresidential land development application may have influence or effect on property owned by or activities of the Salida School District R-32-J, the information pertaining to that application shall also be referred to the School District for review and comment.

(c) Dedication Requirement.

(1) If recommended by the Salida School District R-32-J, the applicant shall dedicate or convey land for a public school facility to the School District based on .0138 acres per residential dwelling unit. Otherwise, the applicant shall agree to a payment in lieu of land dedication or conveyance in the amount of \$354 per residential dwelling unit. The applicant may elect for such amount to be paid by the owner of a particular lot at the time a residential building permit is obtained. Such requirement shall be noted on the underlying plat and, if required by the City, a separate covenant.

(2) If the Fair Contribution for Public School Sites includes the dedication or conveyance of land, prior to recording the final plat, the applicant shall provide proof that the dedication has been made to the School District in a manner and on terms satisfactory to the School District and in accordance with the following requirements:

(i) Title shall be conveyed by a general warranty deed, free and clear of all liens, encumbrances, and exceptions (except those approved in writing by the School District), including, without limitation, real property taxes, which will be prorated to the date of conveyance or dedication. The land to be conveyed shall be conveyed pursuant to a contract for the sale and purchase of real property containing customary terms for the land which is being conveyed to the School District.

(ii) At the time of dedication or conveyance, the applicant shall provide a title insurance commitment and policy in an amount equal to the fair market value of the dedicated property. At the appropriate time, not later than the issuance of the first building permit for the land development project, the person or entity shall also pay or provide for the payment of one-half of street development costs, and shall either provide, or pay or make provision for the payment of the costs associated with making improvements for water, sewer, and utilities stubbed to the site, and overlot grading of the dedicated land. The applicant shall also have furnished any off-site easements which the School District needs to develop the site.

(iii) The lands being dedicated or conveyed to the School District shall be located and configured as directed by the School District.

(iv) The person or entity conveying the land to the School District shall satisfy the City's water rights dedication requirements, as may be amended, prior to conveying the property to the School District.

(v) In addition to conveyed or dedicated lands, the School District shall be given the right to purchase adjacent lands owned by the developer at its fair market value so that the dedicated or conveyed and purchased lands together form a contiguous parcel which meets the School District's land area requirements.

(d) Exemptions. The following uses shall be excepted from Fair Contribution for Public School Sites:

(1) Construction of any nonresidential building or structure;

(2) Alteration, replacement or expansion of any legally existing building or structure with a comparable new building or structure which does not increase the number of residential dwelling units;

(3) Construction of any building or structure for limited term stay or for long term assisted living, including, but not limited to, bed and breakfast establishments, boarding or rooming houses, family-care homes, group-care homes, halfway houses, nursing homes, or hospices, except where such building or structure will be used primarily to house school aged children;

(4) Construction of any residential building or structure classified as housing for older persons, pursuant to the Federal Fair Housing Act in effect;

(5) The construction of accessory buildings or structures; and

(6) Construction of any low-income housing unit, on lots designated as such by the City.